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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,713	08/07/2001	Robert W. McConnell	H0001668	1569

7590

09/16/2003

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EXAMINER

DEBERADINIS, ROBERT L

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,713

Applicant(s)

MCCONNELL ET AL.

Examiner

Robert DeBeradinis

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

The reply filed 6/13/03 consists of remarks related to rejection of claims.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-8, 10, 11, 12, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JUNGREIS 6,304,006 in view of POLETTI 6,441,505 and MALLER 6,538,345.

Regarding claims 1, 4-7, 11, 14-17.

JUNGREIS discloses a standby micro-turbine generator controller comprising:

A control unit (140);

A utility power grid sensor input line (141) to said control unit (140)

wherein the micro-turbine generator is started or shut down in response to said grid sensor input line.

JUNGREIS does not disclose:

a computer control unit;

a utility power grid disconnect command output line from said computer control unit wherein said computer control unit causes automatic transitions of the micro-turbine generator system between at least four states, said at least four states comprising a generator standby backup mode, a generator standalone mode, a transfer to standby backup mode, and a generator startup battery charging mode.

POLETTI discloses a backup generator system wherein the backup generator system is in a standby backup mode and is automatically activated to a stand alone mode in a power outage (column 4, lines 48-68) during the startup period the system is in a transfer to standalone mode and when grid power returns the backup power generator system enters a transfer to standby backup mode and returns to the standby backup mode, the standby generator system includes a generator startup battery charging mode (column 5, lines 22-35).

MALLER discloses microcomputer based control systems used with electrical transfer switches (column 1, line 8, column 2, lines, 63, 64).

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide a computer control unit wherein the control unit would include the at least four modes as disclosed above. The motivation to include the above disclosed four modes in the computer control unit would be to provide automatic power transfer to the micro-turbine generator and to provide periodic startups during the standby mode for routine maintenance checks (column 4, lines 35-37).

Art Unit: 2836

Regarding claims 2, 12.

POLETTI discloses power switch (54) directly connects backup generator to power line 51 during time of power outage (column 4, lines 48-68) and automatically connects primary power source (52) when primary power returns.

POLETTI does not disclose a computer control unit.

MALLER discloses microcomputer based control systems used with electrical transfer switches (column 1, line 8, column 2, lines, 63, 64).

It would have been obvious to one having ordinary skill in the art, of transferring power from one source to another, at the time of this invention to incorporate a computer control unit. The motivation would be to provide a programmable logic controller (MALLER, column 2, line 63) to have a controller that could be programmed to satisfy different system requirements.

Regarding claims 8, 10, 18, 20.

POLETTI discloses power sensor and switch (54), a contactor to connect and disconnect a load from a utility power grid and controlled by the utility power grid.

POLETTI does not disclose the utility power grid disconnect command line.

MALLER discloses a high-energy electrical drive to drive the transfer switch solenoid, which transfers the load from one source to another.

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide said utility power grid disconnect command output line from the computer control unit. The motivation would be to transfer the load to the standby generator when the computer control unit detects a grid fault.

Claims 3, 9, 13, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JUNGREIS 6,304,006 in view of POLETTI 6,441,505 and MALLER 6,538,345 in further view of SICKLE 5,811,960.

Regarding claims 3, 13.

JUNGREIS in view of POLETTI and MALLER disclose the controller of claim 1 including a connection (141) to the utility to receive commands to control power to the grid.

JUNGREIS in view of POLETTI and MALLER do not disclose a utility circuit breaker status input line to said computer control unit.

SICKLE discloses a battery-less uninterruptible sequel power supply, the system controller (190) monitors and controls the state of circuit breakers (column 5, lines 4-15).

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide a utility circuit breaker status line to said controller unit to monitor the breaker status. The motivation would be to provide an indication to the user that a problem exists in a specific location in the system.

Regarding claims 9, 19.

SICKLE discloses the system controller monitors the state of switches (column 5, lines 4, 5).

SICKLE does not disclose an auxiliary contact for providing status of said contactor to said computer control unit via a utility grid disconnect relay status line.

The Examiner takes official notice that providing an auxiliary contact for providing status of a relay is well known in the art (refer to CULLER 6,417, 775).

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide an auxiliary contact for providing status of said contactor to said computer control unit via a utility grid disconnect relay status line. The motivation would be to monitor the state of the contactor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. CILLER discloses relay status contact.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (703) 306- 5857. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (703) 308-31190. The Fax phone number for this Group is (703) 308-7722.

RLD

AUGUST 26, 2003

Robert L. DeBeradinis